**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,	**CR-15-09-GF-BMM**
Plaintiff,	
vs.	
EMERSON PAUL BIRDTAIL,	**ORDER**
Defendant.	

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 10, 2018. (Doc. 38.) No party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 9, 2018. (Doc. 37.) The United States accused Mr. Birdtail of violating his conditions of supervised release by (1) committing a new crime, (2) failing to report a change in address to
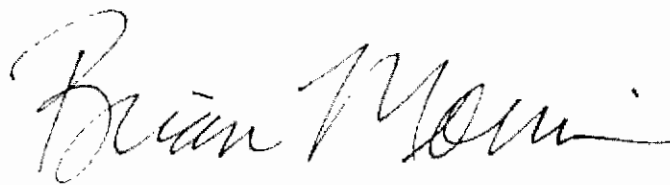
his probation officer, and (3) consuming alcohol. (Doc. 38 at 1.) Birdtail admitted to allegation 3. (Doc. 37.) The United States put on evidence regarding allegations 1 and 2, and Judge Johnston found that Birdtail had committed allegation 2. (Doc. 38 at 3.) Judge Johnston found that Birdtail's violations warrant revocation, and recommended a sentence of four months in custody with thirty-two months of supervised release to follow. (Doc. 38 at 5.)

These violations prove serious and warrant revocation of Birdtail's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 38) is **ADOPTED IN FULL.**

IT IS FURTHER ORDERED that Defendant Emerson Paul Birdtail be sentenced to custody for four months, with thirty-two months of supervised release to follow.

DATED this 26th day of April, 2018.

Brian Morris
United States District Court Judge